

ORDINANCE NUMBER 16-24

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENTS TO THE HARMONY PLANNED UNIT DEVELOPMENT DISTRICT AND THE UNIFIED DEVELOPMENT ORDINANCE

This is an Ordinance to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Common Council enacted Ordinance No. 12-14, The Harmony Planned Unit Development District (the "Harmony PUD Ordinance") on January 14, 2013;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1607-PUD-11**), requesting an amendment to the Harmony PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1607-PUD-11** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable recommendation in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on July 6, 2016;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Harmony PUD Ordinance and Unified Development Ordinance (the "UDO") are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 This Ordinance shall amend the Harmony PUD Ordinance, only as applicable to the Real Estate. The Real Estate encompasses Area A of the Mixed Use District, as established by Section 1.2 of the Harmony PUD Ordinance.
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the Harmony PUD Ordinance; and (iii) the

provisions of the UDO, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance or the Harmony PUD Ordinance, as amended.

- 1.3 Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the UDO.
- 1.3 All provisions and representations of (i) the UDO or (ii) the Harmony PUD Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. **Definitions.** Capitalized terms not otherwise defined in this Ordinance or The Harmony PUD Ordinance shall have the meanings ascribed to them in the UDO.

Section 3. **Development Standards for Multifamily Uses.** Section 2.4(C) (Development Standards for Multifamily Uses within the Mixed Use District; Minimum Setback Lines) of the Harmony PUD Ordinance shall apply to the Real Estate; however, the minimum setback line for an Accessory Building along the Real Estate’s East Property Line shall be five (5) feet, provided required landscaping is otherwise met.

Section 4. **Off –Street Loading and Parking Standards.** Article 4.2(C)(3)(b) Off –Street Loading and Parking; Off-Street Parking; Multifamily Residential Uses of the Harmony PUD Ordinance shall be amended as follows: The minimum number of garage parking spaces shall be equal to ~~60%~~ 50% of the total number of dwelling units within the multifamily area of the Mixed Use District.

Section 5. **Landscaping Standards.** Article 5 (Landscaping Standards) of the Harmony PUD Ordinance shall apply to the Real Estate, except as otherwise modified below.

- A. Buffer A of the UDO (Article 6.8(N)) shall apply along the west property line of Area A, and shall be a minimum width of twenty (20) feet.
- B. Amendments to a landscape plan approved as part of an Overall Development Plan for the Real Estate may be approved as part of a Lot or Block’s Detailed Development Plan.

Section 6. **Sign Standards.** The standards of the Harmony PUD Ordinance shall apply. In addition to permitted signage by the Harmony PUD Ordinance, a Multi-family Dwelling development within Area A shall be permitted a blade sign along the 146th Street frontage of Area A in substantial compliance with the Multi-Family Blade Sign illustrated on **Exhibit B.**

ALL OF WHICH IS ORDAINED/RESOLVED THIS 11th DAY OF JULY, 2016.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

James J. Edwards

James J. Edwards

James J. Edwards

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Mark F. Keen

Mark F. Keen

Mark F. Keen

Charles Lehman

Charles Lehman

Charles Lehman

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

ATTEST:

Cindy Gossard, Clerk Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jon C. Dobosiewicz

I hereby certify that **ORDINANCE 16-24** was delivered to the Mayor of Westfield
on the _____ day of _____, 2016, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-24**
this _____ day of _____, 2016.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-24**
this _____ day of _____, 2016.

J. Andrew Cook, Mayor

This document prepared by: James E. Shinaver and Jon C. Dobosiewicz, Nelson & Frankenger
550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106

SCHEDULE OF EXHIBITS

Exhibit A Real Estate (Legal Description)

Exhibit B Multi-Family Blade Sign

EXHIBIT A
REAL ESTATE
(Page 1 of 2)

A part of the Southeast Quarter and Southeast Quarter of Section 16, Township 18 North, Range 3 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the southeast Corner of said Southeast Quarter; thence South 89 degrees 25 minutes 04 seconds West (basis of bearing = ALTA/ACSM land title survey by The Schneider Corporation, Job No. 4934.001, dated March 10, 2004) along the South line of said Southeast Quarter a distance of 1,352.44 feet to the southwest corner of said Quarter Quarter Section; thence North 00 degrees 18 minutes 09 seconds West along the West line of said Quarter Quarter a distance of 179.67 feet to the POINT OF BEGINNING, said point also being the northwest corner of Parcel 1 as described in Instrument No. 2013064140 in the Office of the Recorder of Hamilton County, Indiana, (the following three (3) courses being along the northerly and westerly lines of said Parcel 1); (1) North 89 degrees 25 minutes 36 seconds East 78.48 feet to a point on a tangent curve to the left having a radius of 925.00 feet, the radius point of which bears North 00 degrees 34 minutes 24 seconds West; (2) easterly along said curve an arc distance of 300.26 feet to a point which bears South 19 degrees 10 minutes 18 seconds East from said radius point; (3) North 70 degrees 49 minutes 42 seconds East 130.07 feet; thence North 19 degrees 10 minutes 18 seconds West a distance of 258.85 feet; thence North 70 degrees 55 minutes 45 seconds East a distance of 106.74 feet; thence North 17 degrees 05 minutes 05 seconds West a distance of 186.48 feet; thence North 00 degrees 12 minutes 08 seconds West a distance of 236.59 feet; thence North 45 degrees 40 minutes 36 seconds East a distance of 89.52 feet; thence North 89 degrees 47 minutes 52 seconds East a distance of 273.21 feet; thence North 51 degrees 08 minutes 17 seconds East a distance of 32.02 feet; thence North 89 degrees 47 minutes 52 seconds East a distance of 170.87 feet; thence North 00 degrees 12 minutes 08 seconds West a distance of 75.83 feet; thence South 89 degrees 41 minutes 37 seconds West a distance of 127.28 feet; thence North 33 degrees 05 minutes 25 seconds West a distance of 42.55 feet; thence North 80 degrees 00 minutes 41 seconds West a distance of 137.00 feet; thence South 89 degrees 29 minutes 12 seconds West a distance of 184.76 feet; thence South 84 degrees 54 minutes 40 seconds West a distance of 106.88 feet; thence South 46 degrees 17 minutes 48 seconds West a distance of 103.60 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 24.12 feet; thence North 46 degrees 05 minutes 36 seconds West a distance of 68.06 feet; thence North 59 degrees 38 minutes 08 seconds West a distance of 30.47 feet; thence North 73 degrees 10 minutes 40 seconds West a distance of 45.36 feet; thence North 89 degrees 01 minutes 15 seconds West a distance of 94.21 feet; thence North 86 degrees 28 minutes 15 seconds West a distance of 106.51 feet to the West line of said Quarter Quarter Section; thence South 00 degrees 18 minutes 09 seconds East along the West line of said Quarter Quarter a distance of 1,018.74 feet to the POINT OF BEGINNING, containing 11.881 acres of land, more or less.

EXHIBIT A
REAL ESTATE
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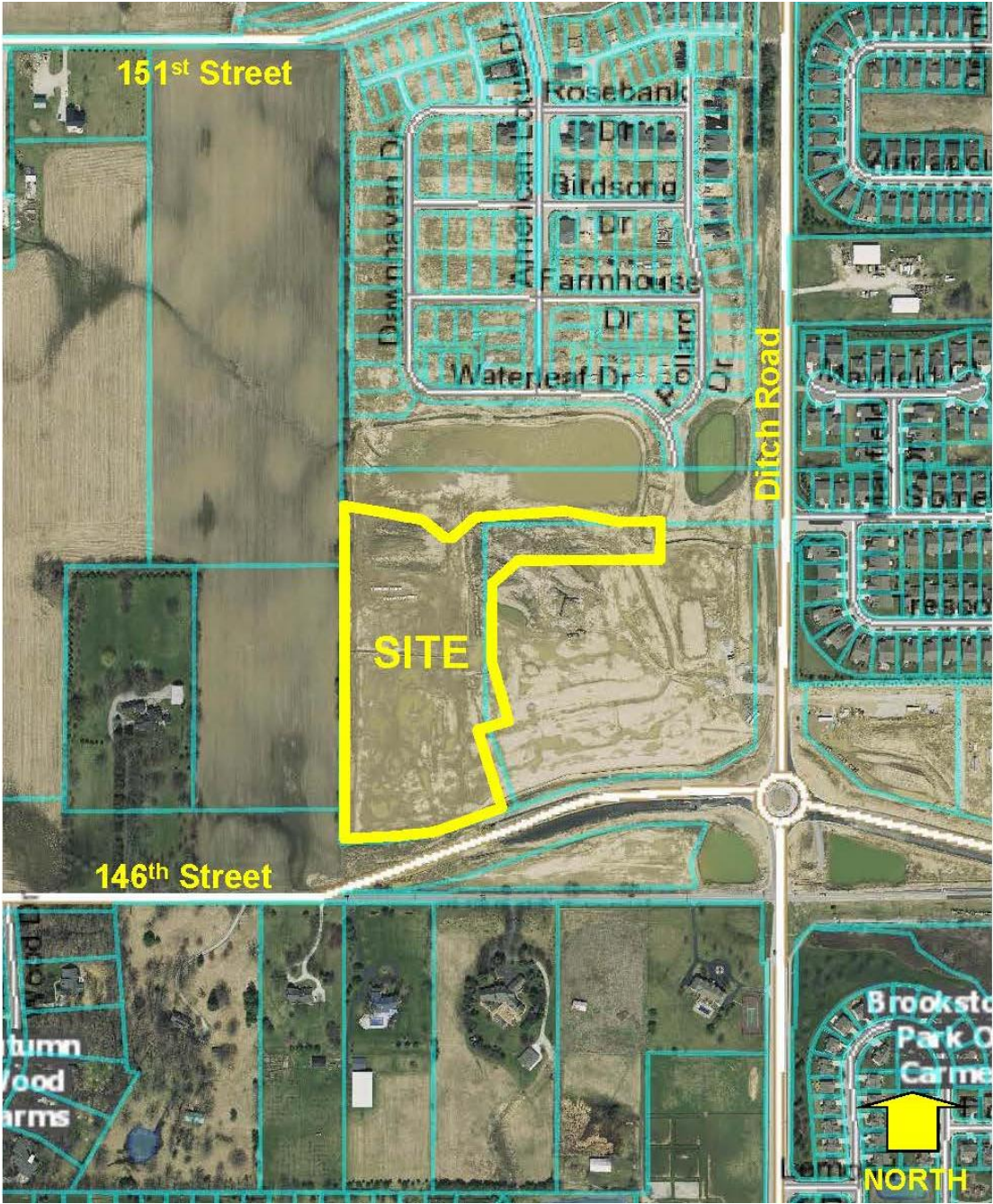


EXHIBIT B
Multi-Family Blade Sign
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